

**TWENTY-EIGHTH DAY**

(Tuesday, February 28, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Collie and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Burns.

**Reports of Standing Committees**

The following reports were submitted by the chairman of the several standing committees to which the bills and resolutions named in the reports were referred:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 4,

Have had same under consideration, and I am instructed to report said resolution back to the Senate, with the recommendation that it do not pass, and that committee substitute do pass in lieu of the original resolution and be printed.

MOFFETT, Chairman.

Committee Substitute for  
S. J. R. No. 4

A Joint Resolution proposing an amendment to Article V of the Constitution of the State of Texas giving the Legislature authority to provide for appeal direct to the Supreme Court in cases involving injunctions granted or denied on the grounds of constitutionality or unconstitutionality of any statute or on validity or invalidity of administrative orders; providing for the submission of this amendment to the voters of this State; and providing for the necessary proclamation and expenses of publication.

Be it Resolved by the Legislature of the State of Texas:

Section 1. That Article V of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 3-b, which shall read as follows:

"Section 3-b. The Legislature shall have the power to provide by law, or to grant to the Supreme Court of Texas the power to provide, for an appeal direct to the Supreme Court of this State from the order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to the qualified voters of the State of Texas at a special election to be held on the 12th day of November, 1940, at which election all voters favoring such proposed amendment shall write or have printed on their ballots the words:

**"FOR THE AMENDMENT TO  
THE CONSTITUTION OF THE  
STATE OF TEXAS AUTHOR-  
IZING THE LEGISLATURE TO  
PROVIDE FOR APPEALS DI-  
RECT TO THE SUPREME**

**COURT IN INSTANCES INVOLVING THE CONSTITUTIONALITY OF CERTAIN LAWS AND ORDERS"**

and those opposed shall write or have printed on their ballots the words:

**"AGAINST THE AMENDMENT TO THE CONSTITUTION OF THE STATE OF TEXAS AUTHORIZING THE LEGISLATURE TO PROVIDE FOR APPEALS DIRECT TO THE SUPREME COURT IN INSTANCES INVOLVING THE CONSTITUTIONALITY OF CERTAIN LAWS AND ORDERS."**

Sec. 3. The Governor of the State is hereby directed to issue the necessary proclamation for said election and have the same published as required by the Constitution and existing laws of the State.

Sec. 4. The sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State not otherwise appropriated to pay the expenses of said publication and election.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the majority of your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the district courts shall consist of 12 persons, and in the county court of 6 persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOFFETT, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Zapata County, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 211, A bill to be entitled "An Act making an emergency appropriation for the balance of the fiscal year ending August 31, 1939, to pay the salary and necessary traveling engineering, clerical and miscellaneous expenses of the Rio Grande Compact Commissioner for Texas in connection with the negotiation, administration and enforcement of the permanent Rio Grande Compact between the States of Texas, Colorado and New Mexico; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recom-

mendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 11, A bill to be entitled "An Act making an appropriation for the "Pease River Flood Control District"; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 28, A bill to be entitled "An Act amending Chapter 206 of the Acts of the Regular Session of the Forty-first Legislature of Texas; authorizing the Board of Directors of Texas Technological College to erect and equip and to contract for the erection, completion, and equipment of certain dormitories, cottages, and other buildings and improvements and to purchase or lease additional real estate therefor, to contract with municipalities and school districts for the joint construction of certain buildings, to issue certain revenue obligations to pay therefor and as security to pledge the net rents, fees, and net rents, fees, revenue and incomes of other certain properties owned by said college, limiting the rate of interest to be borne by such obligations to a rate not to exceed six (6%) percent per annum and the maturity date thereof for a period not exceeding twenty (20) years from date thereof; authorizing said Board of Directors to pledge the unused part of any revenues from self-liquidating buildings for the construction of additions to said buildings or the con-

struction of any other buildings and the purchase of sites therefor, providing that subsequent issue of revenue bonds or notes shall be a second lien and inferior to outstanding revenue bonds or notes secured by pledge of said revenues; prescribing certain powers and duties in regard to establishing and maintaining schedules of rates, fees, and charges sufficient to pay operating and maintenance costs and to pay principal and interest upon the obligations herein authorized and limiting the maximum fees which may be charged; authorizing said Board of Directors to adopt certain rules and regulations in regard to the control of improvements authorized herein; prohibiting the creation of any debt against said college or the State of Texas and prescribing the manner of payment of the obligations authorized herein; providing for the approval of all bonds by the Attorney General of Texas and the registration thereof by the Comptroller of Public Accounts of Texas and the approval of the State Auditor of all revenue bonds or revenue notes herein authorized; authorizing said Board of Directors to borrow money and issue obligations of said college therefor payable within the biennium of the then current appropriation bill; empowering said Board of Directors to do any and all things necessary and convenient to carry out the purpose and intent of this law; repealing all laws and parts of laws in conflict herewith; providing that if any section, provision, or part of this Act is held invalid the remaining sections, provisions, and portions shall not be affected thereby; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do not pass but that the Committee substitute do pass in lieu of the original bill and be printed.

ROBERTS, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 194, A bill to be entitled "An Act to amend Article 5057a of

the Revised Civil Statutes of 1925, as amended by S. B. No. 12, Chapter 190, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the manner in which fire insurance companies and casualty insurance companies incorporated under the laws of this State shall render their property for taxation; providing where such property shall be rendered for taxation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Amendments 1 and 2 and be printed.

Very respectfully,

COTTEN, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 32, A bill to be entitled "An Act directing the Railroad Commission of Texas to inquire into the production of natural gas to determine whether or not waste or drainage is taking place; directing the Commission to prorate gas production when either waste or drainage is found to exist; defining certain terms; providing for the promulgation of rules and regulations; directing the Commission to limit the production of gas to an amount to supply Statutory purposes; and declaring an emergency,"

Have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute therefor do pass and be printed.

PACE, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 250, A bill to be entitled "An Act to authorize any County bounding the International Boundary between the United States and Mex-

ico, or any county contiguous to any county of such described class, to acquire and upon request convey land to the United States in aid of navigation, irrigation, flood control or water courses; prescribing the manner of payment; prescribing the procedure in condemnation cases; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 162, A bill to be entitled "An Act providing for the execution of an agreement to extend the Interstate Compact to Conserve Oil and Gas; prescribing the forms of the agreement; prescribing procedure for withdrawal from the Compact; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 247, A bill to be entitled "An Act providing that in any Water Control and Improvement District of more than one hundred thousand acres of land, and whose boundaries embrace lands within two or more counties, directors may be elected at large or by precinct method; limiting the terms of office, prescribing qualifications, etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 261, A bill to be entitled "An Act making it unlawful to kill quail in Gaines, Terry and Yoakum Counties, Texas; providing the Act shall be in force for a period of five (5) years; repealing all laws in conflict; providing a penalty for the violation of this Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 217, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five years following the passage of this Act; providing a suitable penalty, repealing all laws in conflict with this Act and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Internal Improvements to whom was referred

S. B. No. 256, A bill to be entitled "An Act authorizing towns and villages, heretofore incorporated under Chapter 12 of Title 28, Revised Civil Statutes of Texas, 1925, and amendments thereto, having an assessed valuation for taxable purposes of \$500,000.00 or more, according to its latest approved tax rolls, notwithstanding any limitation contained in

Article 1163 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, to adopt the powers of cities and towns in the manner prescribed by Article 961 of the Revised Civil Statutes of Texas, 1925, and amendments thereto, etc.; and declaring an emergency,"

Have had the same under consideration, and now report it back to the Senate with the recommendation that it do pass, and be not printed.

GRAVES, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 214, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 15, Acts of the 42nd Legislature, Second Called Session, and as amended by Acts of the 45th Legislature, First Called Session; by adding thereto Article 1645d 2, fixing the compensation of the County Auditors of every County having a population of not less than forty nine thousand one hundred (49,100) and not more than fifth-one thousand (51,000) inhabitants, according to the 1930 Federal Census, and prescribing how same shall be paid, repealing all laws in conflict therewith and declaring an emergency,"

Have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Minority Report

Senator Metcalfe submitted the following report of a minority of the Committee on Constitutional Amendments:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 1, Proposing an amendment to the Constitution of the State

of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror shall be denied or abridged on account of sex; and by amending Sections 13, 17 and 29 of Article 5 so as to provide that grand and petit juries in the district courts shall consist of 12 persons, and in the county court of 6 persons; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose;

Have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the Committee at the time said bill was reported unfavorably, and voting for a favorable report for said bill.

METCALFE,  
AIKIN,  
ROBERTS.

Senator Metcalfe moved that the minority report on S. J. R. No. 1 be adopted in lieu of the majority report on the resolution and asked to have the motion spread upon the Journal.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Weinert:

S. B. No. 266, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas; and declaring an emergency."

Referred to Committee on Finance.

By Senator Kelley:

S. B. No. 267, A bill to be entitled "An Act validating proceedings heretofore had by certain cities in Texas, other than home-rule cities, for the issuance of revenue bonds and ad valorem tax bonds for the purpose of procuring funds to construct waterworks and sewer systems for such cities, validating the bonds to be issued pursuant to such proceedings and the indentures executed and to

be executed as a security for such bonds, authorizing the adoption of the proceedings necessary to complete the issuance of such bonds, validating proceedings had in the incorporation of such cities, providing the manner in which the assessed valuation of taxable property may be determined in such of said cities as have not heretofore levied taxes, repealing all conflicting acts, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 268, A bill to be entitled "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new article to Article 548 to be hereinafter known as Article 548a; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Senator Stone of Galveston:

S. B. No. 269, A bill to be entitled "An Act amending Article 4006 of the Revised Civil Statutes of Texas of 1925, relating to granting of free passes, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Burns:

S. B. No. 270, A bill to be entitled "An Act to reorganize the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, by constituting it the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity County, prescribing its jurisdiction, limiting its existence, fixing its terms; to provide that the Judge of said Special Ninth District Court as now constituted shall continue to serve in the Special Ninth District Court after the same has been reorganized by this act until the election and qualification of his successor; to limit the jurisdiction in Trinity County of such Special Ninth District Court; to provide that the District Clerks in the respective counties composing the Special Ninth District Court as herein reorganized, shall serve as the District Clerks of the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity

County, in their respective counties; to provide for the transfer of civil cases from the Twelfth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Twelfth Judicial District in Trinity County; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provision, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Senator Moore:

S. B. No. 271, A bill to be entitled "An Act creating the 127th District Court of Harris County; defining its jurisdiction; adjusting the business of the existing District Courts to the business thereof; prescribing the duties of the District Clerk with respect thereto; providing for the appointment of a District Judge therefor; repealing all laws in conflict therewith to the extent of such conflict only; and declaring an emergency."

Referred to Committee on Judicial Districts.

#### Senate Joint Resolution No. 12 on First Reading

The following joint resolution was introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Weinert:

S. J. R. No. 12, A Joint Resolution, Proposing an amendment to Article 3 of the Constitution of the State of Texas by adding thereto a section to be known as Section 51-E, the purpose of which is to provide for the assessment and collection of a Social Security Tax to finance:

(1) Old age assistance as authorized in Section 51-B of Article 3 of the Constitution.

(2) For assistance of the needy blind as authorized in Section 51-C of Article 3 of the Constitution.

(3) For the assistance of destitute children as authorized in 51-D of Article 3 of the Constitution.

(4) For the payment of the State's contribution to the Teachers' Retirement Fund as authorized in Section 48-A of Article 3 of the Constitution.

(5) For the payment of pensions to disabled and indigent Confederate soldiers and sailors and their widows as authorized by Section 51 of Article 3 of the Constitution.

(6) For supplementing the Public Free School Fund of the State of Texas; fixing a tax at the rate of two per cent (2%) of the selling price paid or promised to be paid for each retail sale made in this State on and after September 1, 1939; defining "retail sales;" naming exemptions and providing for the payment of the tax by the ultimate consumer, user or recipient, and fixing a tax at the rate of two per cent (2%) on the consideration charged and collected for services, privileges and uses that are performed, granted or sold within this State, and providing for the payment of the tax by the ultimate consumer, user or recipient; providing for the payment from the sources created of as much as but not in excess of Fifteen Million Dollars (\$15,000,000.00) per annum to finance old age assistance; as much as but not in excess of One and One-Half Million Dollars (\$1,500,000.00) per annum to finance assistance for destitute children; not to exceed Five Hundred Thousand Dollars (\$500,000.00) to finance assistance for destitute persons who are blind; providing that as long as necessary as much as but not in excess of Two Million Dollars (\$2,000,000.00) per annum for pensions for Confederate soldiers and sailors and their widows; and providing for the appropriation from the revenues obtained from the sources herein created a sufficient amount of money to meet the State's Constitutional obligation to the Teachers' Retirement Fund and such money as may be needed to balance said fund on September 1, 1941, and thereafter the Legislature may appropriate as much as but not in excess of Two and One-Half Million Dollars (\$2,500,000.00) per annum to supply the State's contribution to said Teachers' Retirement Fund; prohibiting the Legislature from resorting to other

sources of revenue and from making other appropriations for old age assistance, the needy blind, destitute children, Confederate pensions and the Teachers' Retirement Fund; providing for the excess to be credited to the Available School Fund; repealing so much of Article 3, Section 51, relating to the ad valorem tax for the purpose of paying pensions to Confederate soldiers, sailors and their wives, and for the reduction of the ad valorem tax authorized by Article 8, Section 9, of the Constitution, for the support of the Public Free Schools of Texas under certain circumstances and conditions.

#### **Bill and Resolution Re-referred**

On motion of Senator Graves, S. B. No. 195 was re-referred from the Committee on State Affairs to the Committee on Insurance.

On motion of Senator Moore, H. C. R. No. 30 was re-referred from the Committee on Military Affairs to the Committee on State Affairs.

#### **Message from the House**

The Chief Clerk of the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House, to inform the Senate that the House has passed the following bills:

H. B. No. 553, A bill to be entitled "An Act validating all interest bearing time warrants heretofore authorized by cities having a population of two hundred and eighty-five thousand (285,000) or more, according to the latest United States Census, issued or authorized to be issued in payment or part payment for the construction of administration buildings, hangars and hangar doors for its airport and/or to improve, enlarge, extend or repair its airport; providing that such warrants shall not be invalid on account of irregularities in the notice to bidders or because the notice to bidders did not contain notice that it was the intention of the governing body to pay for such improvements and the contracts therefor by the issuance of time warrants; providing that the contracts for such

improvements and payment therefor by the issuance of interest bearing time warrants shall not be invalid on account of the notice to bidders not containing a clause to the effect that it was the intention to pay for such improvements and the contracts therefor by the issuance of time warrants; providing this Act shall apply to such warrants and the contracts on which they are based whether such warrants shall have been completely issued or whether they have been authorized by ordinance and not as yet completely issued and authorizing their completion, and declaring an emergency."

S. B. No. 134, A bill to be entitled "An Act validating and confirming the creation of the Junior College District of Washington County; providing that the college located in said District shall be called Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws in conflict and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### **House Bill on First Reading**

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 553, to Committee on Game and Fish.

#### **Report of Standing Committee**

Senator Burns, by unanimous consent, submitted at this time the following report of the Committee on Judicial Districts:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 270, A bill to be entitled "An Act to reorganize the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, by constituting it the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity



County, prescribing its jurisdiction, limiting its existence, fixing its terms; to provide that the Judge of said Special Ninth District Court as now constituted shall continue to serve in the Special Ninth District Court after the same has been reorganized by this act until the election and qualification of his successor; to limit the jurisdiction in Trinity County of such Special Ninth District Court; to provide that the District Clerks in the respective counties composing the Special Ninth District Court as herein reorganized, shall serve as the District Clerks of the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity County, in their respective counties; to provide for the transfer of civil cases from the Twelfth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Twelfth Judicial District in Trinity County; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NELSON, Chairman.

#### Senate Bill 270 on Second Reading

Senator Burns moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended in order that S. B. No. 270 may be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 270 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

On motion of Senator Burns and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 270 at this time.

The President laid S. B. No. 270 before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**Senate Bill 270 on Third Reading**

The President then laid S. B. No. 270 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

**Absent—Excused**

Hill

**Message from the House**

The Chief Clerk of the House was announced by the Doorkeeper and recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas, February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 152, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by commissioners representing the three States and the United States on March 18, 1938; authorizing the Governor of Texas to appoint a commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the commissioner; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,  
House of Representatives.

**Motion to Take Up Senate Bill 172**

Senator Spears moved that the rule adopted pursuant to Section 5 of Ar-

ticle III of the Constitution, relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 172 be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the membership of the entire Senate):

**Yeas—22**

Beck	Moffett
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Sulak
Lanning	Weinert
Lemens	Winfield
Martin	

**Nays—7**

Aikin	Roberts
Brownlee	Shivers
Metcalf	Van Zandt
Moore	

**Absent**

Stone  
of Washington

**Absent—Excused**

Hill

**House Bill 631 on Passage to Third Reading**

On motion of Senator Lanning and by unanimous consent, H. B. No. 631 was called from the table for further consideration at this time.

The President laid before the Senate on its passage to third reading (the bill having been read second time on February 27, 1939, and having been tabled subject to call on that day):

H. B. No. 631, A bill to be entitled "An Act regulating the taking, catching and possessing of sand bass fish in the fresh waters of Denton County, Texas; providing that there shall be no closed season for the taking and catching of such fish; prescribing the bag limit and length limit thereof; regulating the kind of bait which may be used for the catching of such fish during certain months; prescribing

penalties for and violation hereof; and defining the intent of this law, and declaring an emergency."

Senator Lanning offered the following amendments to the bill:

(1)

Amend H. B. No. 631 as follows:

Add after year in Section 1: "except March and April."

(2)

Amend H. B. No. 631 as follows:

Strike out the first sentence in Section 2.

(3)

Amend the caption to conform to changes in body of the bill.

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 631 on Third Reading

Senator Lanning moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 631 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

#### Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 556, "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

H. B. No. 557, "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925, as amended by Section 1-b, Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

S. B. No. 134, "An Act validating and confirming the creation of the Junior College District of Washington County; provided that the college located in said District shall be called Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws in conflict and declaring an emergency."

H. C. R. No. 51, Setting the time for the Honorable Nathan Straus to address the Legislature.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, February 28, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills:

H. B. No. 97, A bill to be entitled  
"An Act to amend Article 2199 of  
the Revised Statutes, by adding  
thereto provision for reading from  
the Court Reporter's notes; repealing  
conflicting law, and declaring an  
emergency."

H. B. No. 105, A bill to be entitled  
"An Act to preserve filed pleadings  
by making just and convenient regula-  
tions to such end, repealing all con-  
flicting laws, and declaring an emer-  
gency."

H. B. No. 133, A bill to be entitled  
"An Act requiring any person hunt-  
ing any quail outside of the county of  
his residence upon the private lands  
of another person in Panola County,  
to first obtain and have in his posses-  
sion a written permit; providing that  
the provisions shall not apply where  
such person is so hunting in company  
with the owner or agent of such lands;  
providing other necessary regulations  
pertaining to the obtaining of such  
permit; providing that the failure to  
have in possession such valid permit  
shall be prima facie evidence of guilt;  
providing a suitable penalty for vio-  
lation of any provisions of this Act;  
providing that it shall be the duty of  
any peace officer operating in any  
county affected by the provisions of  
this Act to enforce the provisions of  
this Act and repealing all laws in  
conflict with any provision of this  
Act, in so far as they relate to Panola  
County."

H. B. No. 221, A bill to be entitled  
"An Act amending Acts of 1934,  
Third Called Session, Forty-third  
Legislature of Texas, Page 118,  
Chapter 63; otherwise identified as  
Article 3886d, Revised Civil Statutes  
of 1925, by authorizing the District  
Attorney of the 9th Judicial Dis-  
trict to appoint a special investiga-  
tor in and for Montgomery County,  
Texas, providing salary, and declar-  
ing an emergency."

H. B. No. 479, A bill to be entitled  
"An Act providing for the funding by

the Commissioners' Court of Haskell  
County of any and all items of in-  
debtedness outstanding on January 1,  
1939, against the Road and Bridge  
Fund of said County, including scrip  
and time warrants by issuing coupon  
bonds of said county; providing that  
no warrants shall be issued until the  
bonds are paid in full and there is a  
cash balance at the time of issuance,  
and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### House Bills on First Reading

The following bills, received from  
the House today, were laid before the  
Senate, read severally first time, and  
referred to the committees indicated:

H. B. No. 97, to Committee on  
Civil Jurisprudence.

H. B. No. 105, to Committee on  
Civil Jurisprudence.

H. B. No. 133, to Committee on  
Game and Fish.

H. B. No. 221, to Committee on  
Judicial Districts.

H. B. No. 479, to Committee on  
Counties and County Boundaries.

#### Report of Standing Committee

Senator Moore, by unanimous con-  
sent, submitted at this time the fol-  
lowing report of the Committee on  
Game and Fish:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Game  
and Fish, to whom was referred

H. B. No. 553, A bill to be entitled  
"An Act validating all interest-bear-  
ing time warrants heretofore author-  
ized by cities having a population of  
two hundred and eighty-five thou-  
sand (285,000) or more according to  
the latest United States Census, etc.,  
and declaring an emergency,"

Have had the same under consid-  
eration and I am instructed to report  
it back to the Senate with the rec-  
ommendation that it do pass and be  
not printed.

MOORE, Chairman.

**House Bill 553 on Second Reading**

Senator Moore moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that H. B. No. 553 be considered by the Senate at this time.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

**Absent—Excused**

Hill

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 553 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

**Absent—Excused**

Hill

On motion of Senator Moore and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 553 at this time.

The President laid the bill before the Senate, on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 553 on Third Reading**

The President then laid H. B. No. 553 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

**Absent—Excused**

Hill

**House Bill on First Reading**

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 152, to the Committee on Mining, Irrigation and Drainage.

**Reports of Standing Committees**

Senator Stone of Washington, by unanimous consent, submitted at this time the following reports of the Committee on Public Health:

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 26 by Redditt: A bill to be entitled "An Act to amend Article 4504 of Chapter 6 of Title 71 of the Revised Civil Statutes of Texas and Article 740, Chapter 6 of Title 12 of the Penal Code of Texas, eliminating from said Articles the phrase 'and that no charge is made therefor, directly or indirectly,' and inserting in lieu of said phrase the following 'and provided, further that all those so ministering or offering to minister to the sick or suffering shall refrain from maintaining offices, except for the purposes of exercising the principles, tenets, or teachings of the church of which they are bona fide members,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE of Washington,  
Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 124 by Kelley: A bill to be entitled "An Act which provides for the prevention and control of disease; defining certain terms; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules and regulations for the protection of the public health; repealing all of the old State Sanitary Code known as Chapter IV, Article 4477 of the Revised Civil Statutes of Texas of 1925, save and except S. B. No. 46, Acts of 1927, Fortieth Legislature, First Called Session, page 116, Chapter Forty-one, as amended by S. B. No. 20, Acts of 1929, Forty-first Legislature, First Called Session, page 7, Chapter 4, which same is known as 'The Vital Statistics Law', and rules 77, 78, 79, 80, 81, 83, 85 and 86 known as that section on 'Transportation of Dead Bodies', and shall remain in full force and effect; and repealing all laws, articles, sections, and subdivisions of laws which conflict or are inconsistent with this Act; prescribing a penalty, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be mimeographed and not printed.

STONE of Washington,  
Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 148 by Thornton et al, A bill to be entitled "An Act regulating the practice of medicine, amending Articles 4500, 4501, 4503, 4504, 4505, 4506 and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas of 1925, and adding Article 4500A thereto; and amending Articles 740 and 742 of Title 12, Chapter 6 of the Penal Code of Texas, as follows: Providing for the granting, refusal, revocation, cancellation, and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial proceedings upon any such refusal; providing for the qualifications and attainments to be possessed by applicants for such examinations and licenses, the form and contents of such applications and the examination of such applicants; providing definitions of certain terms used in this Act, including the terms 'reputable physicians' and 'reputable medical colleges'; providing that the State Board of Medical Examiners shall not, under Article 4500, as amended hereby, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country in which a similar law in reference to granting licenses to practice medicine under reciprocal arrangements does not exist in favor of physicians of Texas; providing that said Board be authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements;"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that the Committee Substitute do pass in lieu of the Original House Bill No. 148 and be printed.

STONE of Washington,  
Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 479 by Hunt, A bill to be entitled "An Act providing for the funding by the Commissioners Court of Haskell County of any and all items of indebtedness outstanding on January 1, 1939, against the Road and Bridge Fund of said County, including scrip and time warrants by issuing coupon bonds of said county; providing that no warrants shall be issued until the bonds are paid in full and there is a cash balance at the time of issuance; and declaring an emergency,"

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 255, A bill to be entitled "An Act to amend an act of the Thirty-fourth Legislature, entitled An Act to create a more efficient road system for Lavaca County, Texas, being Chapter 75, Local and Special Laws, Regular Session, 1915, as amended by an Act of the Forty-first Legislature, being Chapter 24, Local and Special Laws, Fourth Called Session, 1930, by adding thereto Section 19, authorizing the Commissioners' Court to issue funding or refunding bonds in lieu of outstanding scrip warrants against the Road and Bridge Fund as of December 31st, 1938, providing the method of issuing such bonds, making it the duty of the Commissioners' Court to levy a tax sufficient to pay the principal and interest on such bonds as they mature and accrue, and pro-

viding for the validation of such scrip warrants; and by adding thereto Section 20, authorizing the Commissioners' Court to levy a tax not exceeding Fifteen Cents on the one hundred dollars valuation for the further maintenance of the public roads in any political subdivision, Commissioners' Precinct or defined district heretofore or hereinafter created of the County, upon presentation of a petition, and the holding of an election for such purpose, enacting provisions, powers, and duties relating to the subject; making the General Laws pertaining to roads and bridges applicable in Lavaca County; providing that the provisions of this Act shall be effective in case of conflict with any General or Special Law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portion hereof; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Senate Bill 75 on Second Reading

Senator Nelson moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 75 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act to regulate Brokers who sell transportation or who make any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation, furnish information relative to such transportation, or introduce parties; to require such Brokers to have a broker's license; defining certain terms; providing for the issuance, also the cancellation, of such license by the Railroad Commission of Texas; fixing the conditions under which such license may be issued; providing that the Railroad Commission may make reasonable rules and regulations applicable to all persons holding broker's license, providing for hearings; requiring a bond; providing for reviews of orders of the Commission; fixing a tax; providing penalties; and declaring an emergency."

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Amend S. B. 75, Sec. 11, by striking out the following:

"or any rule, regulation, order or decree of the Commission, promulgated under the terms of this Act."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 75, Page 3, Section 10, by striking out the following words in line 47: "in Travis County, Texas."

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was adopted by the following vote:

#### Yeas—16

Aikin	Martin
Beck	Moffett
Brownlee	Spears
Burns	Stone
Collie	of Washington
Graves	Sulak
Hardin	Weinert
Kelley	Winfield
Lanning	

#### Nays—13

Cotten	Pace
Head	Roberts
Isbell	Shivers
Lemens	Small
Metcalfe	Stone
Moore	of Galveston
Nelson	Van Zandt

#### Absent

Redditt

#### Absent—Excused

Hill

Senator Weinert offered the following amendment to the bill:

Amend S. B. No. 75 by adding the words "from one incorporated city to another" after the word "passengers" where such word appears in line 6, page 2 of the printed bill.

The amendment was adopted.

On motion of Senator Nelson, the bill (as amended) was tabled subject to call.

#### Motion to Take Up Senate Bill 22

Senator Van Zandt moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 22 be considered by the Senate at this time.

The motion was lost by the following vote (not receiving the necessary four-fifths vote of the entire membership of the Senate):

#### Yeas—24

Aikin	Metcalfe
Beck	Moffett
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Winfield

#### Nays 4

Moore	Sulak
Spears	Weinert



Absent  
Head Small  
Absent—Excused  
Hill

**Relative to Consideration of  
House Bill 152**

Senator Winfield moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended in order that H. B. No. 152 might be considered and reported by the Committee to which it has been referred before the expiration of the first 60 days of the session.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

**Report of Standing Committee**

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 152, by Hankamer and others, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by

Commissioners representing the three (3) States and the United States on March 18, 1938; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

**House Bill 152 on Second Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 152 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—30**

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

On motion of Senator Winfield and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 152 at this time.

The President laid H. B. No. 152 before the Senate, on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 152 on Third Reading**

The President then laid H. B. No. 152 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

(President Pro Tempore Moore in the Chair.)

Minority Report

Senator Head, by unanimous consent, submitted at this time the following report of a minority of the Committee on State Affairs:

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 8, A bill to be entitled "An Act amending Article 1676, Chapter 2, Title 34, Revised Civil Statutes of Texas, 1925, by adding thereto a new article to be known as Article 1676b; defining certain words, terms, and phrases for the purpose of this Act, including "political subdivisions"; providing that the governing body of any political subdivision of this State shall prepare or cause to be prepared semiannually a report of all transactions during each half of each year, concerning the finances of such political subdivision; providing that the governing body of each political subdivision shall examine, correct, and approve such reports and shall cause such reports to be published in a newspaper; providing the time and manner in which such reports shall be prepared, examined, corrected, approved, and

published, and the subject matter of such reports; providing the manner in which newspapers shall be compensated for publishing such reports; outlining duty of officers, officials, and employees in preparation of such reports; repealing all laws in conflict herewith; providing that if any portion of this law shall be held unconstitutional that the remainder of the law shall remain in full force and effect; providing penalties for the violation or failure of any official, officer, or employee to comply with the provisions of this Act; and declaring an emergency."

Beg leave to differ with the majority and report Senate Bill No. 8 back to the Senate with the recommendation that it do pass with amendments and be printed.

HEAD,  
GRAVES,  
HARDIN.

Senate Bill 198 on Second Reading

On motion of Senator Stone of Washington and by unanimous consent, Senate rule 31a was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 198 at this time.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 198, A bill to be entitled "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being Senate Bill No. 457, page 1172 of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 198 on Third Reading

Senator Stone of Washington moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 198 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Redditt
Hardin	Roberts
Head	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalf	of Washington
Moffett	Sulak
Moore	Van Zandt
Nelson	Weinert
Pace	Winfield

Absent—Excused

Hill

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

**House Bill 479 on Second Reading**

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 479 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Hardin
Beck	Head
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin

Metcalf	Spears
Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield

Absent—Excused

Hill

On motion of Senator Collie and by unanimous consent, Senate rule 48a was suspended to permit consideration of the bill at this time.

The President Pro Tempore laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

**House Bill 479 on Third Reading**

The President Pro Tempore laid H. B. No. 479 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent—Excused

Hill

**Senate Bill 252 on Second Reading**

On motion of Senator Kelley and by unanimous consent, Senate rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 252 at this time.

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 252 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 252 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

The President Pro Tempore then laid S. B. No. 252 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

#### House Bill 281 on Second Reading

On motion of Senator Small, and by unanimous consent, Senate rule 31a was suspended, to permit consideration of H. B. No. 281 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 281, A bill to be entitled "An Act creating a Special Road Law for Potter County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$42,000.00 outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners' Court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 281 on Third Reading**

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 281 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

The President Pro Tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent—Excused

Hill

**Senate Bill 255 on Second Reading**

On motion of Senator Sulak, and by unanimous consent, Senate rule

31a was suspended to permit consideration of S. B. No. 255 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 255, A bill to be entitled "An Act to amend an Act of the Thirty-fourth Legislature, entitled an Act to create a more efficient road system for Lavaca County, Texas, being Chapter 75, Local and Special Laws, Regular Session, 1915, as amended by an Act of the Forty-first Legislature, being Chapter 24, Local and Special Laws, Fourth Called Session, 1930, by adding thereto Section 19, authorizing the Commissioners' Court to issue funding or refunding bonds in lieu of outstanding scrip warrants against the road and bridge fund as of December 31, 1938, providing the method of issuing such bonds, making it the duty of the Commissioners' Court to levy a tax sufficient to pay the principal and interest on such bonds as they mature and accrue, and providing for the validation of such scrip warrants; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 255 on Third Reading**

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 255 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

## Absent—Excused

Hill

The President Pro Tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent—Excused

Hill

## Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to committee indicated:

By Senator Lemens:

S. B. No. 272, A bill to be entitled "An Act to repeal Section 17 of Art. 8308, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Insurance.

## Adjournment

On motion of Senator Collie, the Senate, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 203 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 213 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 215 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 164 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 21 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 270 carefully examined, compared and read, and find the same correctly engrossed.

LANNING, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 134 carefully examined, compared and read, and find the same correctly enrolled.

STONE of Galveston,  
Chairman.

## TWENTY-NINTH DAY

(Wednesday, March 1, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield

Absent—Excused

Small

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Collie and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

### Leave of Absence Granted

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

### Reports of Standing Committees

The following reports of the Committee on State Affairs were submitted by Senator Weinert:

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 186 by Sulak, A bill to be entitled "An Act to establish a definite policy of this State with reference to the operation of dams and reservoirs constructed by public authorities created by Acts of the Legislature pursuant to the provisions of Section 59 of Article 16 of the Constitution of the State of Texas; declaring the primary purpose for which such dams and reservoirs shall be used; fixing the proportion of reservoir storage which shall be dedicated to the purpose of controlling flood waters; vesting the State Board of Water Engineers with certain powers and duties in connection with the provisions of this Act; providing penalties for the violation of any of the provisions hereof; authorizing suit for damages by any injured party for the negligent or willful violation of the provisions of this law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WEINERT, Chairman.

Austin, Texas,  
February 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 232 by Small, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31st, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or